IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2014 of 2004

SMT. SUSHILA DEVI
V/S
ABDUL SALAM & ORS.

Mr. MANISH SISHODIA, with Mr. MOHD. ASLAM for, for the appellant / petitioner

Mr. BK BHATNAGAR, for the respondent

Date of Order : 3.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

Vide order dt. 27.5.2004 show cause notice was issued, on the ground, that the document may not be registered, but then, the permission could not be declined to tender the document in evidence for the collateral purpose, as contained in Section 49 of the Registration Act.

Learned counsel for the respondent submits, that there is no collateral purpose, for which the document is sought to be tendered in evidence, rather it is sought to be tendered in evidence for the main purpose, for which it was executed.

I have considered the submissions, and find, that the learned trial court did not consider this aspect of the matter, and simply declined to allow the document to be tendered in evidence.

In my view, the writ petition is required to be disposed of, with the direction to the learned trial court, to allow the document to be tendered in evidence, but then learned trial court should be cautious, that despite such tendering in evidence and proving the document, it may be considered only for the collateral purpose, if any, and not for the purpose for which it was executed.

The writ petition is accordingly disposed of with the above direction. At the same time learned trial court is also directed to decide the suit most expeditiously.

(N P GUPTA),J.

/Sushil/